

**ORDINANCE \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning and to the permitting and approval process for light rail transit facilities; amending Seattle Municipal Code sections 23.41.004, 23.42.040, 23.47.042, 23.47.050, and 23.80.004, and authorizing the Seattle Design Commission to delegate some of its functions.

**WHEREAS**, Sound Transit (formally known as the Central Puget Sound Regional Transit Authority) is proceeding to implement Sound Move, the regional transit system plan approved by voters in November, 1996; and

**WHEREAS**, Sound Move includes the Link electric light rail line connecting the cities of SeaTac, Tukwila and Seattle; and

**WHEREAS**, the light rail line will provide numerous benefits to Seattle's residents, workers, and visitors, and will help the City meet its Comprehensive Plan goals for dense, mixed-use urban centers and urban villages connected by high-quality public transit; and

**WHEREAS**, on November 18, 1999, the Sound Transit Board of Directors, of which two Seattle elected officials are members, approved the light rail alignment, station locations, and maintenance base location in Seattle; and

**WHEREAS**, the Seattle City Council and Mayor have committed to work cooperatively with Sound Transit to ensure that the light rail line gets built cost-effectively, and that it is sensitive to the needs and interests of the citizens of Seattle; and

**WHEREAS**, Sound Transit has applied to the City of Seattle for permits for components of the light rail line for temporary construction-related facilities and uses, and for permanent uses and facilities; and

**WHEREAS**, currently, Seattle's Land Use Code (Seattle Municipal Code (SMC) Title 23) does not clearly articulate that the Director of the Department of Planning and Development may waive or modify standards necessary to allow the siting and proper functioning of a light rail facility and does not provide specific guidance regarding permitting parking for construction workers building the light rail line;

**WHEREAS**, the Seattle City Council values the input of the Light Rail Review Panel (LRRP, a panel created by the Seattle Design Commission and containing Seattle Design Commission representatives) on various aspects of the light rail line and wishes to formally ratify and confirm the ongoing role of the LRRP or any similar successor panel; and

1 **WHEREAS**, the Seattle City Council wants to ensure that the Land Use Code, with appropriate  
2 conditioning authority, and land use decision processes effectively addresses construction  
of the light rail line; NOW, THEREFORE,

3 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

4 Section 1. Subsection C of Section 23.41.004 of the Seattle Municipal Code, which  
5 section was last amended by Ordinance 121278, is amended as follows:

6 **23.41.004 Applicability**

7 \* \* \*

8 C. Exemptions. The following structures are exempt from design review:

9 1. New structures located within special review districts, as regulated by Chapter  
10 23.66;

11 2. New structures within Landmark districts as regulated by SMC Title 25,  
12 Environmental Protection and Historic Preservation;

13 3. New structures that are within the historic character area of the Downtown  
14 Harborfront 1 zone, as regulated by Section 23.60.704, or are otherwise required to undergo  
15 shoreline design review as regulated by Chapter 23.60; ~~((and))~~

16 4. New monorail transit facilities that have been subject to review by the Seattle  
17 Design Commission; and

18 5. New light rail transit facilities that have been subject to review by the Seattle  
19 Design Commission.

20 Section 2. Subsection F of Section 23.42.040 of the Seattle Municipal Code, which  
21 section was last amended by Ordinance 121277, is amended as follows:

**23.42.040** Intermittent and temporary use.

\* \* \*

F. Light Rail Transit Facility Construction. A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit ~~((if:))~~subject to the requirements of this subsection.

1. The alignment, station locations, and maintenance base location of the light rail transit system ~~((has been))~~must first be approved by the City Council by ordinance or resolution~~((:))~~.

2. The temporary use or structure ~~((is))~~may be authorized for only so long as is necessary to support construction of the related light rail transit ~~((system))~~facility and must be terminated or removed when construction of the light rail transit facility is completed~~((:))~~.

3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding businesses and residences, including but not limited to the following:

a. Noise and Grading and Drainage. Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading

1 and drainage will be governed by the Stormwater, Grading and Drainage Ordinance (SMC  
2 Chapters 22.800 through 22.808).

3                   b. Light. To the extent feasible, light should be shielded and directed  
4 away from adjoining properties.

5                   c. Best Management Practices. Construction activities on the site must  
6 comply with Director's Rule #6-93, Best Management Practices for Construction Erosion and  
7 Sedimentation Control Plans.

8                   d. Parking and Traffic.

9                         1. Measures addressing parking and traffic impacts associated  
10 with truck haul routes, truck loading and off-loading facilities, parking supply displaced by  
11 construction activity, and ~~((resulting from))~~ temporary construction-worker parking, including  
12 measures to reduce demand for parking by construction employees, must be included and must  
13 be appropriate to the temporary nature of the use.

14                         2. Temporary parking facilities provided for construction-workers  
15 need not satisfy the parking requirements of the underlying zone or the parking space standards  
16 of SMC 23.54.030.

17                   e. Local Businesses. The applicant must address measures to limit  
18 disruption of local business, including pedestrian and/or auto access to business, loss of customer  
19 activity, or other impacts due to protracted construction activity.

20                   f. Security. The applicant must address site security and undertake  
21 measures to ensure the site is secure at all times and to limit trespassing or the attraction of  
22 illegal activity to the surrounding neighborhood.

1 g. Site/Design. The construction site should be designed in a manner that  
2 minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility  
3 around the site and through adjoining neighborhoods. Measures should also be undertaken to  
4 ensure appropriate screening of materials storage and other construction activities from  
5 surrounding streets and properties.  
6

7 h. Public Information. Actions should be taken that will inform  
8 surrounding residents and businesses of construction activities taking place and their anticipated  
9 duration, including a twenty-four (24) hour phone number to seek additional information or to  
10 report problems.  
11

12 i. Weather. Temporary structures must be constructed to withstand  
13 inclement weather conditions.

14 j. Vibration. The applicant must consider measures to mitigate vibration  
15 impacts on surrounding residents and businesses.  
16

#### 17 4. Site Restoration.

18 a. The applicant must also agree, in writing, to submit a restoration plan  
19 to the Director for restoring areas occupied by temporary construction activities, uses or  
20 structures.

21 b. The restoration plan must be submitted and approved prior to the  
22 applicant vacating the construction site and it must include proposals for cleaning, clearing,  
23 removing construction debris, grading, remediation of landscaping, and restoration of grade and  
24 drainage.  
25  
26  
27  
28

1 c. Site restoration must generally be accomplished within one hundred  
2 eighty (180) days of cessation of use of the site for construction uses and activities, unless  
3 otherwise agreed to between the applicant and the Director.

4 d. The Director will approve plans for site restoration in accordance with  
5 mitigation plans authorized under this section.  
6

7 5. A master use permit for a temporary structure or use that supports the  
8 construction of a light rail transit facility shall not be issued until the Director has received  
9 satisfactory evidence that the applicant has obtained sufficient funding (which might include a  
10 Full Funding Agreement with a federal agency) to complete the work described in the Master  
11 Use Permit application.  
12

13 Section 3. Subsection C of Section 23.47.042 of the Seattle Municipal Code, which  
14 section was last amended by Ordinance 121196, is amended as follows:

15 **23.47.042 Uses in pedestrian-designated zones.**

16 \* \* \*

17 C. Street-level Uses Required.  
18

19 1. Street-level uses shall be required along the principal pedestrian street front,  
20 except as provided in subsection ((D))C4, and shall be limited to the following retail sales and  
21 service and office uses if permitted in the underlying commercial zone:

- 22 a. Personal and household retail sales and service uses;
- 23 b. Eating and drinking establishments;
- 24 c. Customer service offices;
- 25 d. Entertainment uses;
- 26
- 27
- 28

1 e. Pet grooming services;

2 f. Public library.

3 2. A minimum of eighty (80) percent of each street frontage to which street-level  
4 use requirements apply shall be occupied by uses listed in subsection D1. The remaining twenty  
5 (20) percent of the street frontage may contain other permitted uses and/or pedestrian entrances  
6 (Exhibit 23.47.042A).  
7

8 3. Required street-level uses shall be set back no more than ten (10) feet from the  
9 street property line and shall occupy at least the first ten (10) feet above sidewalk grade.

10 4. Street-level use requirements shall not apply to:

11 a. public school development along principal pedestrian streets; or

12 b. light rail transit facilities.  
13

14 Section 4. Section 23.47.050 of the Seattle Municipal Code, which section was last  
15 amended by Ordinance 113263, is amended to add a new subsection F to read as follows:

16 **23.47.050 Blank facades in pedestrian-designated zones.**

17 \* \* \*

18  
19 F. Blank façade requirements shall not apply to portions of a facade on a light rail transit  
20 facility, where the imposition of such requirements would not permit the proper functioning of  
21 the facility and where any negative impact of a façade with limited transparency would be  
22 attenuated by other measures including, but not limited to, landscaping, placement of artwork,  
23 display windows, or other measures consistent with design guidelines developed for the light rail  
24 system by the City and the applicant.  
25  
26  
27  
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Section 5. Subsection C of Section 23.80.004 of the Seattle Municipal Code, which section was last amended by Ordinance 121278, is amended as follows:

**23.80.004 Review Criteria**

\* \* \*

C. Light rail transit facilities.

1. Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones within the City of Seattle.

2. The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution.

3. When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for the following:~~((installation of))~~

a. at-grade, below-grade, or above-grade tracks and their supporting structures:~~((;))~~

b. below-grade facilities: ~~((;))~~

c. minor alteration of light rail transit facilities involving no material expansion or change of use: ~~((;))~~ and

d. other minor new construction that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.



1                   4. When approving light rail transit facilities, the Director may impose conditions  
2 to ensure consistency with ~~((the Seattle D))~~ design ~~((G))~~ guidelines developed for the ~~((Link~~  
3 ~~L))~~ light ~~((R))~~ rail system ~~((to be developed))~~ by the City and ~~((Sound Transit))~~ the applicant.

4                   5. The Director may waive or modify development standards applicable to a light  
5 rail transit facility if the applicant demonstrates that waiver or modification of a development  
6 standard:

7                               a. is reasonably necessary to allow the siting or proper functioning of a  
8 light rail transit facility; or

9                               b. will lessen the environmental impacts of a light rail transit facility  
10 and/or on surrounding properties; or

11                              c. will accommodate future development that will comply with  
12 development standards better than if the development standard waiver or modification were not  
13 granted.

14                   6. The Director may impose reasonable conditions on any waiver or modification  
15 of development standard to ensure consistency with design guidelines developed for the light rail  
16 project by the City and the applicant, and to lessen, to the extent feasible, on-site environmental  
17 impacts of a light rail transit facility and/or on surrounding properties.

18                   7. A master use permit for light rail transit facilities shall not be issued until the  
19 Director has received satisfactory evidence that the applicant has obtained sufficient funding  
20 (which might include a Full Funding Grant Agreement with a federal agency) to complete the  
21 work described in the master use permit application.

22                                       \* \* \*

